

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID MICHAEL AARON BAKER,

Plaintiff,

v.

BERNARD EDWARD WARNER,
JEFFREY A. UTTECHT

Defendants.

CASE NO. C15-5298 RJB-KLS

ORDER DENYING MOTION TO
COMPEL TELEPHONIC
DEPOSITION

Plaintiff David Baker asks the Court for an order compelling the deposition of Defendant Uttecht by telephone on December 10, 2015. Dkt. 40. Defendants do not contest Plaintiff's ability to take depositions under the civil rules, but contest the manner in which Plaintiff seeks to take this deposition. Dkt. 43.

Plaintiff's motion, which was noted for December 18, 2015, is moot as the proposed date of the deposition was December 10, 2015. Plaintiff does not require Court approval to take a deposition under Rule 30 of the Federal Rules of Civil Procedure. Plaintiff may also take a deposition by remote means, such as by telephone, if the parties so stipulate or if ordered by the Court. However, Plaintiff is required to comply with the civil rules in scheduling the deposition, including giving reasonable written notice to every other party of the time and place of the deposition pursuant to Fed. R. Civ. P. 30(b)(1) by serving Defendant Uttecht with written notice of his planned deposition. A motion will not be considered "written notice" required under the

1 rules. Despite his *in forma pauperis* status, Plaintiff must also secure a method of transcribing
2 the deposition, an officer of the Court to administer the oath and he is required to fund the
3 deposition. Under the civil rules, “[t]he noticing party bears the recording costs.” Fed. R. Civ. P.
4 30(b)(3)(A).

5 Plaintiff is encouraged to explore alternate less expensive means of obtaining the
6 discovery he seeks, such as depositions on written questions or written interrogatories. Plaintiff
7 is also required to confer with defense counsel regarding any discovery issues prior to filing a
8 motion with the Court.

9 Accordingly, it is **ORDERED** that Plaintiff’s motion (Dkt. 40) is **DENIED**. The Clerk
10 of the Court shall send a copy of this Order to Plaintiff and to counsel for Defendants.

11 **DATED** this 30th day of December, 2015.

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14 Karen L. Strombom
15 United States Magistrate Judge
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